THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.16292 OF 2006

DATED: 9th NOVEMBER, 2006.

Between :

1. Sk. Sahab John and 4 others. .. Petitioners

And

1. The Transport Commissioner, 4th floor,
   Burgula Ramakrishna Rao Bhavan,
   Opp: Secretariat, Hyderabad and
   3 others. .. Respondents

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ORDER :

The petitioners, 5 in number, who claim to be the owners of Auto-rickshaws holding valid permits to operate "within a radius of 60 Kms from the residence of the owner" filed this writ petition aggrieved by the alleged action of the respondents in not permitting them to ply their vehicles within 60 kms radius of the registered addresses of the vehicles, contrary to the permits held by them.

I have heard the learned Counsel for the petitioners as well as the learned Government Pleader appearing for the respondents.

For proper appreciation of the controversy involved, it would be necessary to refer to the notifications issued by the State Government from time to time for improvement of traffic facilities keeping in view the local conditions.

Having found that the number of small sized contract carriages plying on roads in cities are increasing, resulting in problems of traffic congestion in road traffic, the State Government issued G.O.Ms.No.155, dated 7-9-2002 restricting the number of 3-Wheeled Contract Carriages in Visakhapatnam and Vijayawada at 8,300 and 8,600 respectively. Subsequently, in the meeting held on 29-1-2003, it was resolved by the State Transport Authority, A.P., Hyderabad, to prohibit the operation of 3-Wheeled Contract Carriages (Auto-rickshaws) on all National Highways excluding Municipal and Gram Panchayat Limits in the State. That apart, the Traffic Advisory Board of Vijayawada City had passed a resolution dated 10-11-2004 to impose

restriction on the Auto-rickshaws registered with the addresses outside Vijayawada city limits to enter into Vijayawada city though they are holding permits to operate within 60 Kms radius. For the said purpose, it was resolved to give identification numbers to Auto-rickshaws permitted to ply in Vijayawada city and the said work of allotment of identification numbers was entrusted to the Police Department.

So far as the five petitioners in this writ petition are concerned, in the counter-affidavit filed on behalf of the respondents, it is stated that all of them are the registered owners of the vehicles with the addresses beyond Vijayawada city limits. Hence, they are not allowed to ply the vehicles within Vijayawada city notwithstanding the fact that they are possessing permits to operate within a radius of 60 Kms from their residences.

The petitioners did not dispute any of the Government Orders or the Resolution passed by the State Transport Authority stated supra, much less challenged the validity of the same. However, it is contended that the vehicles which were granted permits prior to 7-9-2002 are entitled to ply within the Municipal and Gram Panchayat Limits including the National Highways without any restrictions since the said vehicles are well within the maximum limit of 8,600 vehicles fixed for Vijayawada city.

The learned Counsel for the petitioners vehemently contended that the 8,600 Auto-rickshaws which were granted permits prior to G.O.Ms.No.155, dated 7-9-2002, including the petitioners herein, are entitled to ply their vehicles in accordance with the conditions of permits i.e., within a radius of 60 Km from registered addresses without any further restrictions prescribed by the State Transport Authority and the Traffic Advisory Board. Thus, it is contended that the action of the respondents in resorting to the seizure of the vehicles of the petitioners and other similarly situated persons is arbitrary and illegal. Even with regard to implementation of identity cards, it is alleged that

the respondents are not adopting a fair and transparent procedure.

Nothing has been placed before this Court to show that the said restrictions are not applicable to the vehicles registered prior to 7-9-2002. As can be seen from the counter-affidavits filed by the respondent No.2 as well as the respondent No.4, it is clear that the said decision was taken keeping in view the enormous growth of auto-rickshaws during the last 3 years in Vijayawada city apart from the auto-rickshaws entering into the city from the neighbouring regions. Such administrative decision taken by the respondents in public interest to regulate the traffic in Vijayawada city which is not in contravention of any statutory provision does not warrant interference by this Court under Article 226 of the Constitution of India on a mere allegation that the same had resulted in hardship to the petitioners.

The Writ Petition which is devoid of any merit is accordingly dismissed. No costs.

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G.ROHINI, J.

Dt. 9–11-2006

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THE HON'BLE Ms. JUSTICE G. ROHINI

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